

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Donnie Wayne Sheffield,)	C/A No. 0:11-228-JFA-PJG
)	
Petitioner,)	
v.)	ORDER
)	
United States of America,)	
)	
Respondent.)	
_____)	

The *pro se* petitioner, Donnie Wayne Sheffield, is a federal prisoner who brings this action under 28 U.S.C. § 2241. His petition is actually a motion for a reduction of his sentence imposed in this district by the Honorable Terry L. Wooten in February 2008.

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that the petition should be recharacterized as a motion brought under 28 U.S.C. § 2255. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 8, 2011. In lieu of objections to the Report, the petitioner has filed a motion to withdraw his § 2241 petition wherein he acknowledges that the § 2241 petition is the incorrect method to have the court consider a

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

motion for a reduction of his sentence. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983)

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law.

Accordingly, the petition is dismissed without prejudice and without issuance and service of process. Petitioner's motion to withdraw his petition is granted.

IT IS SO ORDERED.

March 21, 2011
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge